

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION**

**OTHO E. PETTIT, JR.; and
HART O. PETTIT**

PLAINTIFFS

V.

NO. 3:22-CV-94-DMB-RP

**THE MONTFORT JONES AND ALLIE
BROWN JONES FOUNDATION, et al.**

DEFENDANTS

ORDER

On May 27, 2022, Otho E. Pettit, Jr., and Hart O. Pettit filed a complaint in the United States District Court for the Northern District of Mississippi against the Montfort Jones and Allie Brown Jones Foundation, Roger Collins, Mary Collins, Stephanie Collins, Stan Earnhardt, and “John Does 1-10.” Doc. #1. On June 14, 2022, the plaintiffs filed an amended complaint correcting defective jurisdictional allegations identified by the Court.¹ Doc. #4.

Approximately one month later, Stephanie, Earnhardt, and the Foundation filed a motion to dismiss the amended complaint. Doc. #7. On August 29, 2022, the plaintiffs, with this Court’s leave,² filed a second amended complaint.³ Doc. #33.

As a general rule, “[a]n amended complaint supersedes the original complaint and renders it of no legal effect unless the amended complaint specifically refers to and adopts or incorporates by reference the earlier pleading.” *King v. Dogan*, 31 F.3d 344, 346 (5th Cir. 1994). Because the second amended complaint here does not incorporate the earlier pleadings and because the

¹ See Doc. #2.

² Doc. #32.

³ The second amended complaint adds additional plaintiffs. Doc. #33 at 1.

defendants have moved to dismiss the second amended complaint,⁴ the motion to dismiss the amended complaint [7] is **DENIED as moot**.

SO ORDERED, this 13th day of September, 2022.

/s/Debra M. Brown
UNITED STATES DISTRICT JUDGE

⁴ Doc. #36.